

HEARING ON S. 3212, THE BIPARTISAN ELECTRONIC VOTING REFORM ACT OF 2008

WEDNESDAY, JULY 30, 2008

United States Senate,
Committee on Rules and Administration,
Washington, D.C.

The committee met, pursuant to notice, at 10:02 a.m., in Room SR-301, Russell Senate Office Building, Hon. Dianne Feinstein, Chairman of the committee, presiding.

Present: Senators Feinstein and Bennett.

Staff Present: Howard Gantman, Staff Director; Jennifer Griffith, Deputy Staff Director; Veronica Gillespie, Elections Counsel; Adam Ambrogi, Counsel; Joshua Brekenfeld, Democratic Professional Staff; Lynden Armstrong, Chief Clerk; Matthew McGowan, Professional Staff; Justin Perkins, Staff Assistant; Mary Jones, Republican Staff Director; Shaun Parkin, Republican Deputy Staff Director; Michael Merrell, Republican Counsel; and Rachel Creviston, Republican Professional Staff.

OPENING STATEMENT OF CHAIRMAN FEINSTEIN

Chairman Feinstein. Good morning, everyone, and welcome to the Rules Committee. It is great to have you here.

When I first became Chairman of this committee in January of last year, I announced that my top priority was going to be to work to ensure the accuracy and reliability of our country's voting systems, I see somebody fanning themselves. Perhaps we could see that the air conditioning is brought into the 21st century.

[Laughter.]

Chairman Feinstein. Now, 18 months later, we have had two hearings on the issue and long discussions across the aisle toward developing a proposal that is both workable and bipartisan. My preference would be for a system that requires every voter to personally mark a paper ballot or use an accessible system to mark that ballot and then have the votes tabulated by an optical scanner.

I know that serious questions have been raised about direct recording electronic voting systems that have no paper record, and a growing number of States are moving to optical scans. In 2004, 35 percent of registered voters voted on optical scan systems, compared to 30 percent

voting on electronic voting systems. In 2008, it is projected that 55 percent of voters will vote on optical scan systems compared to 35 percent voting on electronic voting systems.

Our nation has had a long history in which the voting process has been largely controlled independently by the States and there are a number of States that will not support a restriction. In May 2007, I introduced S. 1487, the Ballot Integrity Act, with 11 cosponsors, all Democrats. This bill would require a paper record of every vote cast and it declared that this paper ballot would be the official ballot in situations where audits found a disparity between the paper ballots and the electronic count. However, no Republican Senator would sign onto the bill, including members of the Rules Committee, it became clear that we would not have the votes to pass the BIA during this Congress.

So hearing on the bill last July, I reached out across the aisle to my Ranking Member, I am particularly really honored that he is a very open and distinguished and very straightforward person with whom to work. I asked him if we could work together to try to develop a bipartisan piece of legislation which would have as its main goal to bolster election security and reliability.

Senator Bennett agreed, since that hearing, our staffs, including his former Chief Counsel, who is currently now an FEC Commissioner, have worked closely together, and we now have what I believe is a balanced compromise bill, S. 3212. It is called the Bipartisan Electronic Voting Reform Act.

Now, you know what my feelings are, but I agree with Senator Bennett, and I will support voting systems that allow for non-paper voter verification of the vote so long as the systems are consistent with the law and provide for verifiable audits. It is through the principles of vote verification, audits of elections, and appropriate security procedures that we can ensure fair and accurate Federal elections for every eligible voter.

Now, I recognize that this bill isn't going to please everyone, but here is what it does--

[Laughter.]

Chairman Feinstein. Our bill requires electronic voting systems to provide for the independent verification of each ballot cast by means of a paper, electronic, audio, video, pictorial, or other independently produced record by January 1, 2012, with the option of a waiver until January 1, 2014.

Our bill requires each State to conduct audits of Federal elections but allows the States to establish their own procedures, taking into consideration best practices recommendations from the Election Assistance Commission.

The bill requires each State to establish a chain of custody protocols for voting systems, components, and records. Now, this is going to ensure only appropriate election officials have access to the machines. It requires voting system software to be disclosed and subject to review

under certain circumstances, with procedures in place to ensure the protection of trade secrets and intellectual property rights. This will allow appropriate government experts to determine if voting software malfunctioned during an election.

It also requires each State to establish standards for ensuring the integrity of the voting process, developing emergency contingency plans, and training poll workers. It requires testing laboratories to meet conflict of interest standards and establish procedures for voting system certification and testing, including assigning testing laboratories on a random basis.

Our bill authorizes \$30 million in grants for research, development, and testing of independent verification technologies. It authorizes such sums available for States to carry out the requirements of the Act, with funding distributed in accordance with formulas set forth in the Help America Vote Act. It establishes a task force to recommend the appropriate level of funding.

Our bill removes arbitrary roadblocks that have prevented military and overseas voters from registering to vote and casting their ballots. It requires each State to establish procedures for improving ballot design, taking into consideration guidance provided by the Election Assistance Commission.

In total, I believe that this is a strong bill that will provide real baseline improvements in the rights of voters and States to have verifiable, auditable elections.

It is the best I believe we can or will do in this area.

The Committee has a duty to be fully informed before considering election reform legislation, so in addition to the testimony today, the record will remain open for five business days to receive other submissions for the record, as well as statements and questions for the witnesses from members of this committee. The record will close for these submissions on Wednesday, August 6, 2008.

Again, I believe if there is to be an electronic voting security bill, this is it, I am just delighted to have been able to work with our Ranking Member and produce a bipartisan bill. I thank him for that and I turn the microphone over to him.

OPENING STATEMENT OF SENATOR BENNETT

Senator Bennett. Thank you very much, Madam Chairman, and I appreciate the spirit in which you have approached this. We both come from backgrounds as managers. You have managed a very large and complex city. I have managed somewhat smaller businesses, and we understand that this challenge is to a very large degree a management challenge. We have to figure out ways to see to it that the concerns raised about the reliability, security, and usability of various methods of recording voting are all met. I have to insert a slight historic comment here to put this in context of the American experience. The first voting that took place in America, the voter, male in every instance, and a property owner in every instance, would stand before the voting judge and

announce out loud where everyone could hear his preference. Those that were running for office under those circumstances were sometimes punished--I think maybe even this occurred to George Washington on one occasion, but I am not entirely sure of that--punished for not being generous gentlemen and providing a sufficient store of spirits on the occasion that the voter could take advantage of after he had declared his- -or maybe even, preferably from the standpoint of the candidate, before he had declared his preference.

We have come a long way from that, but unfortunately, we have a history of vote manipulation and vote fraud that runs deep in American history. It was there during the time when we had pure paper ballots. It has been there when we have gone to voting machines. The accusations have been there in some of the more modern methods of recording votes.

I think the consequence of this bill, to bring a degree of security and reliability to the system while still preserving the right of States to experiment and change according to their circumstances, strikes the right balance, and if it had not been for your willingness to approach this as a management challenge and sit down and say, let us work through the problems, we would not be where we are today. I thank you for your leadership and your friendship.

Since we have a vote of our kind coming up where we do have to stand before the presiding officer and announce in public what we believe, we probably ought to quit here and start to listen to the witnesses.

Chairman Feinstein. Thank you very much, Senator.

It is my understanding that we have two votes now scheduled at 11:00 a.m. It would be my intention, then, if this is agreeable with you, to recess halfway into the first vote and then come back immediately after the commencement of the second vote. Is that agreeable with you?

Senator Bennett. It is, unless we have concluded at the end of the first one that we are through.

Chairman Feinstein. Miracles do happen. We will see.

[Laughter.]

Chairman Feinstein. Let me proceed to introduce the panel. Secretary Todd Rokita was elected to his current position in 2002, making him the youngest Secretary of State in the country. He has served as a member of the Executive Board of the Election Assistance Commission's Standards Board and has just completed a year as President of the National Association of Secretaries of State. Ms. Barbara Arnwine served as Executive Director of the Lawyers' Committee for Civil Rights, a position she has held since 1989. She currently serves on the Advisory Board of the Election Assistance Commission, where she is active on voting system issues.

Professor Juan Gilbert currently serves as the T-SYS Distinguished Professor of Computer Science and a Fellow at the Center for Governmental Services at Auburn University. Dr. Gilbert specializes in human-centered computing, focusing on ways that individuals with little computer experience can successfully interact with computers. I need you, sir. He has won recognition for his focus on creating accessible and secure voting systems.

Mr. Doug Lewis is the Executive Director of the Election Center. That is a national organization of election and voter registration professionals established in 1995. The Election Center is known for its education and training programs for State and local election and registration officials.

The final witness is Mr. Jim Dickson. He is Vice President for Governmental Affairs of the American Association of People with Disabilities. He heads AAPD's nonpartisan Disability Vote Project, a broad coalition of 36 national disability-related organizations whose mission is to close the political participation gap for people with disabilities. So we will begin with our distinguished Secretary of State and we welcome you, **Mr. Rokita**.

Mr. Rokita. Thank you, **Chairman Feinstein**.

Chairman Feinstein. Would you confine your remarks to five minutes, and I believe you have a monitor right in front of you.

STATEMENT OF TODD ROKITA, PAST-PRESIDENT, NATIONAL ASSOCIATION OF SECRETARIES OF STATE, AND INDIANA SECRETARY OF STATE, INDIANAPOLIS, INDIANA

Mr. Rokita. Absolutely, Madam Chairman. Thank you, Chairman Feinstein and Ranking Member Bennett. I really appreciate your attention to this matter and your time today as the Immediate Past-President of the National Association of Secretaries of State. I will try to summarize my remarks so that my colleagues certainly can have time to speak and you can ask us all questions. But it would be inappropriate for me not to first—

Chairman Feinstein. Mr. Rokita, would you excuse me for a minute.

Mr. Rokita. Yes.

Chairman Feinstein. I neglected to mention that you are Secretary of State of the great State of Indiana--

Mr. Rokita. Thank you, Chairman--

Chairman Feinstein. --and I just wanted to make that clear.

Mr. Rokita. Thank you, Chair. I appreciate that very much, the Hoosier State.

It would be inappropriate for me not to recognize your Chief Elections Council, Veronica Gillespie. She does an outstanding job. She was with us, as she is at all our conferences. We truly appreciate the working relationship we have with her and the rest of the committee staff on both sides. My colleagues wanted to make that clear to you both.

Chairman Feinstein. Thank you.

Mr. Rokita. I passed the gavel Monday to my colleague and good friend Pedro Cortes, the Pennsylvania Secretary of State. I have not had a chance to be before you and this committee, so he has made sure that I had the opportunity to do that.

To begin my testimony, I want to talk about NASS's approach to Federal legislation. Back in February of 2007, our membership adopted some guidelines that we felt were important when developing and considering Federal legislation that impacted our offices and the Lieutenant Governors' offices in the States of Utah, Alaska, and Hawaii. We believe that our Federal and State Governments must work in cooperation to serve the citizens of the United States. To facilitate the appropriate balance of an equal and effective partnership, NASS members agreed that members of Congress should respect our country's legal and historical distinctions in Federal and State sovereignty and avoid the preemptions of State authority when drafting Federal legislation.

Secretaries of State were grateful for the approach adopted during the draft of the Help America Vote Act, which was basically, tell us what you want to accomplish. Don't tell us how to accomplish it. We think that partnership has served the entire country very well.

And it appears to us that this same approach has been taken in drafting your bill and we greatly appreciate that. For example, States must conduct a post-election audit, but the language doesn't include mandates as to how those audits or when those audits must be conducted.

Our second guideline was that Federal legislation should include a reasonable time frame for implementing State requirements and programs, and we have learned many lessons from the Help America Vote Act in this regard. As a result, we have some concerns about the bill because it requires independent verification and audit procedures to be in place by 2012 with a waiver until 2014, certainly appearing to be very reasonable on its face, but in the world of day-to-day election administration still, Chair, a challenge.

Independent verification and technology requirements in this legislation reference technology that isn't even on the market yet, and frankly may not even be at the laboratory stage at this point. We have learned just how long it takes to go from concept to design to standards to manufacture to testing and finally to certification of voting equipment. However, I would like to acknowledge the benefit of the funding you have included for the research and development of this new technology. I think that is a key component of your legislation. If that money is actually appropriated and disbursed, it would go a long way to making those technologies a reality.

Our third basic principle on Federal legislation states that any bill which affects the office and duties of the Secretary of States should be drafted with input from NASS or a representative sample of Secretaries of State, and as I mentioned earlier, your staff has done a wonderful job of including us and we hope that cooperation continues.

Our fourth guideline stipulates that Federal legislation requiring changes to State laws or regulations should include full funding to support those changes. What I can tell you is that the task force you have established in this legislation is an interesting approach and can provide very useful and beneficial information on the cost associated with the bill.

Finally, NASS members believe that Federal legislation should not curtail State innovation and authority solely for the sake of creating uniformity. One size does not fit all, and that certainly is the case when it comes to America's voters. From our initial review, we can tell that S. 3212 was written with this principle in mind. The fact that you don't mandate a paper-only solution for voter verification, the fact that States must identify their contingency plans and their poll worker education programs and their chain of custody procedures recognizes that while all of these issues are vital, they are unique to each State. My colleagues and I share practices and programs all the time, but we take bits and pieces from each other. Some have called us thieves when we customize for our State's citizens and laws. Overall, much of the language in S. 3212 is compatible with NASS principles of Federal legislation, but endorsements or opposition to your bill, if at all, will come from individual members of our organization and probably not from the NASS body as a whole. The rest of my written testimony includes comments and observations from the State of Indiana along with some interesting ideas that we would like to try that might complement your bill. I invite you and your staff to examine those at your leisure. Thank you very much for your time.

[The prepared statement of Mr. Rokita follows:]

Chairman Feinstein. Thank you very much, Mr. Secretary. Now, Barbara Arnwine.

STATEMENT OF BARBARA R. ARNWINE, ADVISORY BOARD, ELECTION ASSISTANCE COMMISSION, AND EXECUTIVE DIRECTOR, LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW, WASHINGTON, D.C.

Ms. Arnwine. Good morning.

Chairman Feinstein. Good morning.

Ms. Arnwine. Thank you so much, Madam Chairman and Ranking Member Bennett, for inviting me here today and for holding this hearing on the foundational issue of our great democracy, the fundamental right to cast a ballot and have that ballot counted. I also want to join

in thanking Veronica Gillespie. As we all know, she is a treasure to all of us working in this important field.

My name is Barbara Arnwine and I am the Executive Director of the Lawyers' Committee for Civil Rights Under Law. The Lawyers' Committee serves as the lead legal partner in Election Protection, the nation's largest nonpartisan voter protection coalition. I want to start by thanking both you, Madam Chairman, and Ranking Member Bennett for your courage in beginning a bipartisan discussion on election reform. It is critical that this essential issue be removed from politics. Up until now, much of the debate over how to fix our election system has been consumed by the excitement of political contests. That is a mistake. It is only when we recognize that this job will take a thoughtful policy discussion removed from the bluster of politics that we can move down the road to real meaningful reform.

The Bipartisan Electronic Voting Reform Act begins that discussion by highlighting some key issues that cause millions of eligible voters to become disenfranchised. As I will discuss in a minute, many of these issues stem from problems with voting machines. This bill starts us down that path and critically does so by recognizing that we have not yet found a perfect election system and we should encourage, not stifle, innovation.

At the Lawyers' Committee, we have seen how all of the shortcomings addressed by this bill affect real voters on and before election day. To date, we have fielded over 300,000 calls from voters from across the country into our 1-866-OUR-VOTE voters' services hotline. The stories created from that experience paint the most complete picture of election problems from the perspective of the voters.

While the stories that I share today come from individual voters in the primary elections, that is the 2008 primary elections, they are not unique. All over the country, eligible voters who are disenfranchised by malfunctioning voting machines and inadequately trained poll workers. This report has been appended to my testimony, my full testimony, and it is the subject of these reports.

During the 2008 primaries, as many as 57 percent of all reports to Election Protection were problems at the polling place, including with voting machines. Human error, such as removing vote cards prematurely, accounted for some of these complaints. However, an even greater number of voters reported mechanical problems, optical scanners that did not work, votes that were recorded incorrectly, or machines that simply shut down.

In Georgia, 72 percent of voter complaints concerned problems at polling places and malfunctioning voting machines. In several precincts, broken voting machines caused 45-minute delays to cast a ballot, with lines winding around the block. Similarly, in Illinois, 70 percent of problems reported by voters were polling place and voting machine related. One voter called the 1-866-OUR-VOTE hotline after the poll worker at her location attempted to feed her ballot into the machine upside down. When she corrected him, the poll worker smiled and said, "Boy, you are one of the lucky ones."

In Maryland, one of the precinct's machines malfunctioned after a poll worker improperly pulled cards from the voting machines. There were also several reports of precincts across the Potomac primary States where no machine was functioning and voters were asked to cast provisional ballots that were then placed in an unsecured box.

In Pennsylvania, voters reported precincts that ran out of emergency ballots after voting machines malfunctioned and machine counts whose final tallies differed from the poll book records.

Obviously, the issues addressed in S. 3212 are critical, and again, I am excited that this conversation has started. Voters need to feel confident that the votes they cast count for the candidates that they choose.

As I said, this is a great start. It is important to continue this conversation and address the very real obstacles voters face in the registration system and provide the necessary legislative framework to prevent the dirty tricks that voters across the country, like intentional deception and voting purges.

I want to thank the Chairman and Senator Kerry also for introducing S. 3308, the Veterans' Voting Support Act, which calls on the Veterans' Administration to honor the service of our brave men and women who have served this country. This is an immediate and critical need, also. We have an obligation to our democracy to provide an infrastructure where everyone eligible can participate. S. 3212 begins this discussion. I look forward to working with all of you to move forward towards this noble goal. Thank you.

[The prepared statement of Ms. Arnwine follows:]

Chairman Feinstein. Thank you very much, and congratulations. You came out on time. Professor Gilbert.

STATEMENT OF JUAN E. GILBERT, PH.D., DISTINGUISHED ASSOCIATE PROFESSOR, DEPARTMENT OF COMPUTER SCIENCE AND SOFTWARE ENGINEERING, AUBURN UNIVERSITY, AUBURN, ALABAMA

Mr. Gilbert. Madam Chairman and Ranking Member Bennett, thank you for having me here today. I have been a faculty member in computer science and software engineering at Auburn University since 2000. I have an extensive research background in the design, implementation, and evaluation of human-centered computing applications such as electronic voting systems.

My research team at Auburn has developed a functioning prototype of an electronic voting system called Prime III. As a result of our research efforts, I have much to contribute to the discussion of the proposed bill. In my testimony, I will be addressing Sections 2, 6, and 10 of the bill and I will comment on existing research that has been conducted by my team.

Section 2 of the proposed bill addresses methods of independent verification. The bill proposes that independent verification will be required on every device used in elections. All citizens need the ability to independently verify their ballot. The bill continues on to require that the verification device is actually independent of the voting device. I completely support the notion of an independent device that does this verification. When the voting device generates the verification record, this presents an opportunity for manipulation. The list of possible verification mediums listed in Section 2 includes paper, yet it also provides for future innovations that may not exist today.

Section 2 also provides for independent verification for individuals with disabilities using the same verification devices specified under Paragraph A of Section 2. This section not only requires that people with disabilities be able to verify their ballots using the same devices as those without disabilities, it also requires that they can do so privately and independently. Empowering all citizens is critical to the fabric of our society in this electoral process.

Section 6 deals with research and development. Independent verification, audits, security, accessibility, and all aspects of electronic voting need to be informed by research. This bill provides a solid set of goals for electronic voting, and through research and development, those goals can be reached. A great deal of research has been done on existing technologies in electronic voting and paper-based approaches, as well.

The new funding needs to support innovation and voting technologies and the protocols that aim to provide support for the goals set forth by the bill. A reexamination of current technologies is only necessary to compare them to proposed innovations. The bill makes it clear that pilot testing is necessary, as well. I foresee funding that will result in new voting innovations that can be pilot tested with vendors prior to the final testing and certification of the newly-developed system. If this process is done correctly, we could see voting system components that are approved or certified in such a way that voting systems can be engineered using certified components, much like automobiles and/or airplanes.

Ballot design is a major problem in voting regardless of the technology medium. Ballot designs should be held to the same level of evaluation as the actual systems. From recent election history, we know that bad ballot design can be just as harmful as a computer virus. A process should be defined to test and certify ballot designs to eliminate this threat, as well.

Now, I will briefly talk about my research as it relates to this bill. It was within the spirit of equal access for every citizen regardless of ability that my research team developed Prime III. Prime III allows voters to cast their ballots using their voice and/or touch. People that cannot see, hear, read, and even those without hands can privately and independently vote using our multi-modal user interface.

Prime III also uses an independent voter verify video audit trail that creates a video record of all transactions that occurred on each voter's machine. Our video audit trail is an example of an

independent verification system that adheres to the goals within this bill with the additional benefit of serving as a deterrent against hacking. All voters, independent of ability, can verify their ballots on the same system using the Prime III approach.

In summary, I strongly support this bill. It provides a set of attainable goals that will stimulate innovation through research and development, giving equal access for all Americans to confidently participate in our electoral process.

I thank you all for the opportunity to testify here today, and again, I really love this bill.

[The prepared statement of Mr. Gilbert follows:]

Chairman Feinstein. That was very good. Thank you very much, Professor Gilbert. You can't do better than that.

Chairman Feinstein. Mr. Lewis?

STATEMENT OF DOUG LEWIS, EXECUTIVE DIRECTOR, THE ELECTION CENTER, HOUSTON, TEXAS

Mr. Lewis. Senator, thank you. I have an official resubmission. I cleaned up some language problems that we had in the first draft, and so--

Chairman Feinstein. Do we have that resubmission?

Mr. Lewis. Yes. I have given it to the staff.

Chairman Feinstein. Thank you.

Mr. Lewis. First, let me say, Senator, it is remarkable, considering what the last several years of partisanship in Washington, D.C. has done to the people who serve in the Congress and the people who try to work through issues. It is remarkable to me that you reached out and showed leadership in trying to fashion a bipartisan bill. It seems also equally as remarkable that Senator Bennett responded well to that, because we don't see this enough in Washington, anymore, and especially on election-related issues.

So if my remarks seem a bit effusive about the way you all have approached this and the way you and your staffs have worked through these issues, it is because we are seeing the uncommon. What used to be common is now uncommon, and so it is very remarkable and we are delighted to see bipartisan legislation being offered.

Chairman Feinstein. Thank you.

Mr. Lewis. You know, I have gotten a lot of gray hair over the years, part of it from dealing with Congress, but certainly as I have aged through this 40 years of public policy work on this

journey from Mom to the mortuary, I have learned a little something about when things are genuine and when things are being offered in a good spirit of good government, and it seems to me you all have hit the mark.

There are obviously some things I will comment on either from an implementation viewpoint or about potential unintended consequences. I come from the technocrat side, so we look at the specifics. We are the administrators of elections all through America and so we are going to look at the details always and we are going to pick a little bit at the details as we go through this, and some of my remarks today will be about picking a little bit at the details. But before I start that process, I want to commend again the spirit in which your legislation is offered, the attempt truly to make something that is workable, something that is responsible, something that is good for America, and that is the kind of good will that we think will fashion good legislation. So again, my congratulations for that.

Looking a little bit at the legislation itself, I think there are some things here that may have unintended consequences and so I would certainly hope that--I think in further consideration that maybe the staff and several of us can get together and sit down and say, here is what we think will maybe clean up some of this.

Part of that language, it seems to us, establishing 2009 as the demarcation date then sort of leaves us in limbo from 2009 until 2012 or 2014 when we get new systems. And the question is, does the wording then preclude for States and jurisdictions that already have electronic systems and are continuing those electronic systems, can they buy spare parts? Can they buy spare machines? Can they buy additional machines due to population growth? I mean, you look at Las Vegas. It is growing at a rate of about 30 to 40 percent per year, and so they are going to need to add additional machines as they go along. So there is some of this that looks to me that is a little bit--that we need to fix a little bit. One of those things is what we are focusing on.

In considering the concept of an audit, let me tell you, when the audit concept first came out, we tried to explain to the public and to the groups that didn't really truly understand elections that there is an audit process already in place and it is called canvassing the vote. That process is to actually make sure that the winners were the winners and the losers were the losers and to go back and make sure that you did, indeed, process the votes right and that the vote totals add up right and what have you.

So what happened, though, there were a lot of folks who didn't really truly understand all that process, and with good intention, it seems to me, they launched out to call for an audit process. Our feeling is at this point that the audit process, if you continue with that concept, is going to be a very costly one long-term to local governments. It establishes in perpetuity that we are going to continue with audits.

We think there is a better solution here, that if you will actually focus on the important--nobody really cares if the election is not close, and nobody is really paying much attention if the

election is not close. And so voters and taxpayers are probably going to be a little worried about us if we are spending their money on reviewing things that are not close.

But when things are close, then a recount process, it seems to us, an automatic recount process may be better. And so I would hope that we could talk about that--

Chairman Feinstein. So what are you suggesting?

Mr. Lewis. Well, there is--I have in the testimony a fairly detailed list there for you in terms of a recount process and how that would work and the very stages of that recount process. I just basically lifted the same testimony I gave to you all last year on this issue. But if you will look at that, I think there are some reasons that this may be more valid.

Senator Feinstein, you were a mayor. You were a local government official. You know how you are always out of money, you are always out of manpower to do the things you need to do. And most of our jurisdictions, 60 percent of them are one, two, or three employees that do elections. And so this is one of those things that I hope we can kind of look at.

Other things that are in the bill, we will talk with you and your staff over the next few months or weeks, whatever it is, to try to work with you on the technical side of that. Thank you.

[The prepared statement of Mr. Lewis follows:]

Chairman Feinstein. Thank you. And before calling on Mr. Dickson, let me just say that nothing is frozen in cement and we want to improve it where we can. What we need now is precision in the wording. So we are open to specific recommendations, and if you could do it in the next five days, it would be appreciated.

Mr. Lewis. You bet.

Chairman Feinstein. Mr. Dickson?

STATEMENT OF JAMES DICKSON, VICE PRESIDENT FOR GOVERNMENTAL AFFAIRS, AMERICAN ASSOCIATION OF PEOPLE WITH DISABILITIES, WASHINGTON, D.C.

Mr. Dickson. Senator Feinstein, Ranking Member Bennett, the American Association of People with Disabilities supports the Bipartisan Electronic Voting Reform Act. This is an excellent piece of legislation. I want to echo what Mr. Lewis said about the importance of a bipartisan approach. Both the majority and minority staff are unusual people. They ask hard questions, they listen to the answers, they make us think, and our country is well served by the very strong staff that you both have assembled.

Chairman Feinstein. Thank you, sir.

Mr. Dickson. People with disabilities are very excited and incredibly moved by the ability to vote privately and independently. After every election, I get calls and e-mails from people who sometimes are crying with joy because for the first time in their lives they can vote privately and independently, and this bill sustains that.

AAPD supports voter verification. The way that this legislation approaches it will foster innovation, like Professor Gilbert's work, and Auburn University should be commended. I don't know that everybody knows that Auburn is not planning on patenting this work. They are developing this and putting it into the public arena so that manufacturers can take proven, tested, workable solutions, build and sell their own product without having to pay a royalty.

The audit provisions, again, we like them and we like them because it allows the States to set the rules. We can learn a great deal from each other. We have already gathered a great deal of useful information since the passage of the Help America Vote Act. And the approach on the audit and the approach on the ballot design will continue gathering facts so that policies can be based on fact as opposed to myth, ideology, or partisan self-interest.

There is one last point that I would like to make. Many, many of the problems that voters experience on election day, when they get looked into, it comes down to inadequate poll worker recruiting and inadequate poll worker training, and I would encourage the committee and the staff to think about ways that we can address this particular problem. God bless the people who volunteer to be poll workers. It is very hard work. In most jurisdictions, the book of regulations that they have to deal with is a three-inch-thick looseleaf binder.

One idea that might help increase the pool of Americans volunteering to be poll workers would be to have those businesses and nonprofits that receive Federal funds, require them to allow employees who volunteer to be a poll worker to do so without forfeiting holiday time or pay.

Chairman Feinstein. That is interesting.

Mr. Dickson. There are a lot of people who want to do this work. It is also important that it be a two-day volunteer period, one day for training and one day for voting. There is so much to learn. The rules change every election based on what happens in the State legislatures as well as in Congress. Something that will increase and encourage Americans to serve our nation on election day would be very helpful.

Thank you very much for the opportunity to testify.

[The prepared statement of Mr. Dickson follows:]

Chairman Feinstein. Thank you very much, Mr. Dickson, and to all of you, thank you. We very much appreciate your comments.

I think the way to proceed that would be the most useful is to ask people, if they can, to submit some comments with specific language if you can, to the staff as quickly as you can. I very much want to move this bill. I recognize what it takes to get 60 votes in the United States Senate. I believe there is interest in this bill in the House now. We are coming toward the end of the session. We have been at this--this is our third hearing--for a substantial period of time. So I want to make a full court push to try to get the bill done as quickly as possible, I very much appreciate your comments.

One of the things that Senator Bennett and I went back and forth on was the date. Secretary Rokita spoke about that by saying that maybe 2012 is too soon. I remember where we started on this. It was--

Senator Bennett. Two-thousand-and-eight.

Chairman Feinstein. --2008. And we have gone back, and then we went back again. Then we added the waiver. It seems to me that the bill in itself, as you have said, leaves many things up to the States for their methodology of achieving them. In that sense, I have tried hard to reflect States' rights.

Mr. Lewis, let me ask you this question, and anybody else that might like to make a statement. I think that 2012 is a responsible date. How do you feel about it? How do others feel about it? Do we need to change it?

Mr. Lewis. Well, I think if you start looking at the sheer numbers of days and months that mount up from the time that you have standards, developing the standards--the standards are not finished yet and they are probably not going to be for probably about another year. You can ask the United States Election Systems Commission, but I think about a year is where they are going to be before the standards themselves are finished on this next generation of standards.

Once the standards are completed, the industry has told us, and it has been borne out in history here, that that is about a 54-month process from the time the standards are completed until you begin to see a system. Then you add to that now the purchasing process that begins within the cities, counties and States, and that is usually a year, sometimes two years, but more often a year, and so now you are starting to say, here is where realistically we are going to be before you get there.

So 2012 probably, but with the waiver that you have given to 2014--I don't want to disagree with Secretary Rokita because obviously the States are looking at this and they know from--right now with HAVA, with the Help America Vote Act, we are still trying to comply with State databases and the deadline on those was 2006. And so this is kind of what we are looking at.

If you look at just the numbers of how that stretches out, that process stretches out to get there, it may be that 2012 may be too early. But certainly 2014 gives us a better chance of getting there. Two-thousand-and-sixteen (2016) is probably more realistic, but you really don't want to

have all of these come due in a Presidential year. Truth is, you don't want that to happen. You want us to be able to run an election before we get to a Presidential year with any of the new changes.

Chairman Feinstein. Just to speak about this for a minute, it is hard for me to see, because the nature of the bill is it leaves much up to the States, the how-to part that you spoke about. I mean, I know I have got a big State. We have got some counties that can move quickly and some counties out of the 58 that can't, and I understand that. It seems to me that because of the nature of this, the way this is put together, 2012 is a fair date. It also says we are serious.

The thing that worries me about extending it beyond the waiver is nobody does anything. It is just one more mandate out there that nobody pays any attention to.

Mr. Lewis. Agreed--

Chairman Feinstein. Mr. Dickson and then **Ms. Arnwine.**

Mr. Dickson. Senator, it might be doable. We all certainly want this to happen quickly, but we also want it to be right. The one thing that makes me uneasy about the time table is the task force that is going to set the amount of money that will be available to the States for purchasing new equipment. The manufacturers have made it real clear that they, as business people, are not going to really start to spend money until they are sure there is money on the table. So I really think--I agree with a great deal that Mr. Lewis just said, but I think from the manufacturers' point of view, the clock is going to start ticking at the point where there is money that they know they can get, when they know that there will be purchases made.

Chairman Feinstein. Okay. Ms. Arnwine, did you have a comment you would like to make?

Ms. Arnwine. Yes. Before I make my comment, I forgot to ask, Madam Chair, if my revised testimony could be submitted for the record.

Chairman Feinstein. Absolutely. That will be the case.

Ms. Arnwine. Thank you. I think that a sense of urgency is necessary out there, that the voter confidence and concern about the auditability of elections is real, and people are concerned about their individual vote. They want to know that their vote counts. They want to know that when they go to vote, that the machines will work.

It is so dispiriting to talk to voters who don't vote, that massive crowd of 40 percent of voters who don't vote, and what they keep talking about is their concerns about the reliability of the system, their concerns about the long lines, their concerns about not being able to be able to feel that their vote will be counted appropriately and accurately.

So I think there is a real urgency, and I respect the deadline because I think it conveys that. A waiver certainly is a way of addressing many of the problems that have been addressed with the-- you know, the real problems of getting the actual work done to purchase, to design and to purchase these systems.

Chairman Feinstein. Okay. Mr. Secretary, then I want to turn it over to **Senator Bennett.**

Mr. Rokita. Thank you, Madam Chair. I will be quick. I get the deadline. Like you, I am a manager of people and processes. My colleagues, the very same way. So we understand that if you don't put down a line, then we will never get there.

But we also have to get it right, like Mr. Dickson says, and one of the reasons that, for example, the Statewide voter files in some States aren't working is because some States rushed too quickly--we all rushed quick to get it done, and maybe the technology, depending on the vendor, wasn't there, and now we are spending the people's money twice because they didn't get it right the first time, and that is the balance we have to try to work for.

And the fact of the matter is that these are great ideas in this bill because it gets away from the paper. If we can't get away from paper, we can never explore the other technologies that otherwise have allowed us to live how we do in the 21st century. But these ideas, a lot of them aren't even at the laboratory stage yet and so my testimony is respectfully submitted in that vein.

Chairman Feinstein. Thank you. Senator Bennett?

Senator Bennett. Well, Secretary Rokita, let me nail it down specifically. Can you live with, assuming the waiver is granted, 2014?

Mr. Rokita. Thank you, Senator. I cannot sit here and give you a responsible answer to that question. I can point to history. I can point to the Help America Vote Act, and Indiana, for example, needed every bit of that waiver. From the time the law was passed in the fall of 2002 to January 1, 2006, we needed every second to get that Statewide voter file done. Now our file works. Other States that rushed forward didn't have such luck.

So to say 2014 would work, it is better and it does allow for a deadline, and I certainly agree with Doug Lewis that we shouldn't be rolling out this kind of technology in a general Presidential election year.

Senator Bennett. Mr. Dickson, do you agree that a Presidential election year is the wrong year?

Mr. Dickson. Absolutely. Yes. A Presidential is the wrong year. It gets particularly complicated with the States juggling when they do their primaries. Election officials have had a very difficult time this year as the dates of the primaries kept changing. Had we seen the primary shuffle going on, it would have been impossible to do this in this year.

Senator Bennett. Another reason why we should somehow reform the primary system, but that is a separate issue.

Mr. Rokita. Can I talk to you about a NASS plan?

Senator Bennett. Yes.

[Laughter.]

Senator Bennett. As the Chairman has indicated, this is one subject that we have gone back and forth on and spent a lot of time on, and I agree with her that if we don't put down a hard date and just say, well, get it done as soon as you can, as soon as you can never comes.

Chairman Feinstein. That is right.

Senator Bennett. On the other hand, I can understand that no manufacturer is going to manufacture anything other than what has been manufactured now, and we are trying to get beyond that with the incentives built into this bill, if there is no assurance that no one will be able to buy it. So that is the dilemma and we will probably have some more conversation about this.

Long lines, the concern is if we don't get there and we end up with paper as our fallback, there are longer lines with paper than with just about anything else, and frankly, again in our history, there have been more examples of fraud with paper than just about anything else. We can all stories from our own home States.

Professor Gilbert, did you want to respond to that? You looked like you had something to say there.

Mr. Gilbert. Yes, I do. With respect to innovation, I won't speak to the 2009 Presidential election. I have to defer to my colleagues here. But with respect to innovation, there are existing technologies in the laboratories, such as what we have done and other universities have been working in this area. There are examples out there that should be looked at. We may be closer than what we think we are. There are existing things out there. They just have not--there is no motivation for the vendors to necessarily look at them now. But with this bill, that provides a motivation for them to actually look at alternatives.

Senator Bennett. Okay. Yes, Mr. Lewis?

Mr. Lewis. I think one of the other unintended consequences of what was done in terms of providing money for academic institutions to do this is that it may very well, if you are going to preclude the industry itself from being able to apply for technology grants, you may end up eventually killing the industry itself. At that point, then, we are left only with the academic institutions.

Remember that the industry that is there, the voting systems industry is not just a bunch of manufacturers. They provide a whole host of services for these jurisdictions, and without these, without the capability to be there and to be able to take care of that, we may be left with the residue of having no support services anywhere, because certainly right now the academic institutions are not set up to be both the training, the technical, the maintenance, all the things that are related to helping conduct an election.

So I think one of the things we need to look at there is maybe to expand that some and make sure we make that available to private industry, as well.

Senator Bennett. That goes to Mr. Dickson's point. The more we attempt to automate this process, make it rapid and secure, the more training we need and the more challenging it is for poll workers to be brought up to speed with respect to the new technology. So you are cross-fertilizing the points that you make here.

Professor Gilbert, you wanted to comment.

Mr. Gilbert. Yes. I think Mr. Lewis is right on point. In the bill, it talks about funding for research, but there is also funding in there for pilot testing, and that is--in my comments, that is exactly what I was speaking to, is that you have academic research that produces a demonstrable prototype by which then vendors can then enter into pilot studies. I think this is--I often say this is not rocket science, it is harder than rocket science.

[Laughter.]

Mr. Gilbert. But I think you need an interdisciplinary--

Senator Bennett. You are dealing with human beings rather than--

Mr. Gilbert. Exactly, the human factor. So, for example, in our research, we actually partner with, and Mr. Lewis knows, we partner with the public administration team at Auburn that trains poll workers. So I think what you have to do is it has to be innovation in the rewarding of the funding such that it is not all about the technology, that you have funding for not only the technology and innovation, but the protocols and training with that, and then follow that with pilot testing, sufficient pilot testing which then gets you to the next level with confidence to go through testing and certification, because if the testing and certification process and cost is such at a level that is so high it will actually prevent innovation from making it in implementation purposes. So I think we need confidence and that pilot testing component in the bill is very important to establish that.

Senator Bennett. That pilot testing then pushes the effective date that much farther back because you have to pilot test in a real election. So if you are testing something in one State or one county of one State in a real election, then that delays for two more years before you

implement it in the rest. I am not arguing with what you are saying. I am just commenting that this feeds into the other discussion that we had.

Mr. Lewis, let me get back to a point you raised, and I think you are the only one who has raised it, so that either means you are onto something or you are out of step, one of the two.

Mr. Lewis. I have been accused of both, Senator.

[Laughter.]

Senator Bennett. Okay. The audit provisions are unnecessarily burdensome and expensive and, as I say, unnecessary when there is an overwhelming election, and somebody wins with 60 percent of the vote, why go through the cost of doing an audit on that? That is an intriguing idea that has not been raised before us before. I would like the others to comment on it. You heard what Mr. Lewis had to say. What is your reaction to the suggestion that perhaps the audit that is automatic in every election is, in fact, an unnecessary burden when the election is not close?

Secretary Rokita?

Mr. Rokita. Thank you, Senator. I go into good detail on that on the Indiana portion of my testimony, which I didn't go into. I guess--

Senator Bennett. It is in your written testimony?

Mr. Rokita. It is in my written testimony. Like I said, I don't know how to pick them.

Senator Bennett. Okay.

Mr. Rokita. The last Federal election that we did a recount on in Indiana cost the taxpayers \$400,000. The point of the matter is the process was there if a candidate or party or even Federal legislative caucus wanted to utilize it. It didn't cost the candidate or party \$400,000, it cost the people \$400,000, but the process was there at relatively low cost to those asking for it. And then, of course, we have the canvas.

What I am suggesting with a good deal of specificity, Senator Feinstein, in my written remarks, is to think about audits not in terms of just the vote count. We realize how important that is. It ultimately determines who sits in a seat. But we can learn so much more, I think, by auditing the process.

And you touch on it in the bill when you talk about the custody of the voting machine, for example. That is something I would consider a process. Another example is how these poll workers that Ms. Arnwine references, how are they trained? Did they use the State video? How long was the training session? When did it occur? Questions like that that are auditable after the fact that all go to process. How were the provisional ballots distributed? What were the reasons

used for casting a provisional ballot? Were voters--was there an attempt to mainstream them to the polling place versus give them a provisional ballot at the first sign of a problem like some States do?

If we got onto the notion of auditing the process and asking specific questions, we can learn and publish those findings back out to the voters and the taxpayers, most importantly the poll workers and local election officials who are on the front lines, we can get better each time. I think that would be a much better--just speaking for Indiana now, a much better way to spend our resources of time and money and make this process better, because the process is about the people, not the machines, ultimately. If people are well trained, we will have better elections.

Ms. Arnwine. Senator Bennett?

Senator Bennett. Yes?

Ms. Arnwine. Yes, if I may, I wanted to just ditto that discussion, because I do think it is very, very important for us to invest the money in our voting system, that it does require that we do everything possible to make sure that the system works. You know, I mean, the Supreme Court has said repeatedly and there is no doubt about it that a vote--that the right to vote is an individual right. It is a fundamental individual right that is inherently critical to every individual's ability to participate in our democracy. So it requires that we treat it as such and that we really look at the ability to make sure that everyone who approaches and comes to vote and has taken the time to register and to be there to vote has the ability to really have their vote cast and counted appropriately.

I think that the poll worker issue is one that we need to pay a lot of attention to, anything and everything that this committee and that the Senate can keep doing to focus the States much more aggressively on good poll worker training, good poll worker recruitment. I think some of the model programs that the EAC has done for recruiting college students has been really remarkable, and the Election Protection Coalition in Georgia, in fact, coalesced with six of the counties to do an incredibly aggressive college student recruitment, and what we are seeing is that they are so much better at understanding the technology, for obvious reasons, and that there are reasons why we need to continue to focus on that.

If I could just say one other thing, Section 9 of the bill, about the refusal to deny registrations, I think is a very important component of this legislation and I didn't want that to not be highlighted.

Senator Bennett. Well, thank you. Mr. Dickson's comment about the poll workers and the training of the poll workers and the funding of the poll workers raises a very interesting possibility--

Chairman Feinstein. Yes

Senator Bennett. --that we hadn't talked about. We

have had other hearings with respect to vote fraud and virtually every instance of vote fraud that I have looked into involves a poll worker, a poll worker who tolerates, abets, contributes to, whatever, vote fraud. If you have a poll worker who will stand up to an obviously fraudulent voter, the problem goes away. If you have a poll worker who facilitates a fraudulent voter, the problem is there, and all of the discussion of the various ways that you can commit vote fraud almost always come back to that one pivot point. If you have somebody in the polling place who insists on a polling law as the law is written, vote fraud is very difficult. And if you have somebody who either looks the other way or who encourages it, then vote fraud is easy.

So you have raised an issue, Mr. Dickson, that I think has implications beyond the question of just the accuracy of the vote, but the integrity of the vote in terms of those who might want to corrupt the system.

Thank you, Madam Chairman.

Chairman Feinstein. Thank you, Senator. The vote has been changed to 11:10, so that just gives us a little bit more time. Mr. Lewis, the staff informs me that business is not precluded from the pilot. They could partner on research with academic research institutions.

Mr. Lewis. Okay.

Chairman Feinstein. Secondly, the staff also tells me that, Mr. Secretary, a large majority of States now can comply with this bill, that it is relatively few that cannot. This has to do with the time that they could comply within the given period of time, and so--

Mr. Rokita. And how do we know that? I am sorry.

Chairman Feinstein. I think we have to look at this a little bit more. I mean, I would say, well, you could move the time to 2013 and then you could make the waiver 2015. You get away from the Presidential year. It is sort of in between. I don't really know what that achieves. Essentially what you want to do is get ready for the big elections, have it in place. Do you have any further comment?

Mr. Rokita. Well, just very quickly, Madam Chairwoman. Can they comply or can they not? It seems like it is a matter of opinion. We can look at history with the Help America Vote Act and the deadlines placed there and how eager I think every State was to get some of that, except for one, to start moving the Help America Vote Act initiatives. I don't think anyone was--certainly no one was intentionally delaying there, not even negligently delaying. We wanted--the Secretaries of State, at least that I could speak for, we were part of the discussions of the Help America Vote Act. We set those deadlines. We wanted to move forward. We had the money. But history shows us the reality of that deadline. And again, I am not saying not have a deadline. I think that is very imperative.

Maybe--you asked for specifics and I am off the cuff here, so please put that in that perspective--maybe the task force could be helpful in setting milestones and that keeps us on the track and moving down the road, and as long as milestones are met by the industry, by the laboratories, by the States, we keep moving on it and we show progress—

Chairman Feinstein. I appreciate that. I don't think I would support that. I think it is very important to have a target date.

Ms. Arnwine. I agree.

Chairman Feinstein. --otherwise--

Mr. Rokita. Or ending in a target date.

Chairman Feinstein. --this thing gets--I mean, there are processes and processes. I mean, I haven't come down with the first snow in terms of knowing how people work in various processes and I am not really--I mean, we have gone a long way to put this bill together. This has not been easy to do, and we have to come to an agreement.

Let me just say this. I think we are at a stage now with respect to the bill that we would like to get any comments in writing. We would like to encourage everybody in this room and within the sound of my voice, please work with both staffs. See if there are concerns. But this bill is a more modest bill than what started out in the House. We recognize that. I think--we think we want to make it as practical and doable as we possibly can and keep the costs as low as we can.

But I think, and I can speak for myself, I think unless you have a specific date and hold people to it and present this bill to the nation in a way that we are very serious that we have come together now, it is a bipartisan bill, we will put up what money we can, but people please move to do this. I think that is the message of this bill. So if there are no further comments, we will go to our vote. Do you have any comment you would like to make, Senator, before I recess the meeting, or adjourn it?

Senator Bennett. Does anybody have anything on his or her mind that you just wish we would ask you and we haven't? In this last five minutes, we will give you an opportunity to bring that forward. Or have we covered it pretty well? I have the feeling we now understand issues that we did not understand before the hearing came up. They are all practical issues, and that is, as I said in my opening statement, the basis on which we have gone forward, that this is a management problem. We have to manage this in a way that produces the result that everybody wants. It is not an ideological issue. It is not liberal versus conservative because all liberals and all conservatives want the elections to be fair because all liberals and all conservatives believe that if the elections are fair and properly recorded, they will win.

So any last final technical or practical circumstances that any of you want to raise? **Mr. Lewis.** Senator, I would say to you that, you know, I hear the discussion on improving poll workers

and improving poll worker training, and Lord knows that this is the thing that we live with all the time, particularly in a Presidential election. We will have 1.4 million of them around America involved in an election.

But the notion, the continuing notion that we are somehow going to be able to hold week-long training seminars for poll workers and that they are going to come is unrealistic. We will be able to, in most instances, give two hours of training to most of them. To the chief judge or the chief inspector or the election official chief that is at the polling place, he or she may get upwards of eight to 12 to 16 hours of training. But for most of them, this is going to be two hours and out because you don't get them to come. You can offer it all you want to. You can mandate it. The more you mandate it, the less they come.

So we have to be tempered with what it is we honestly think we can accomplish in short periods of time that can be remembered and can be implemented and can be effected by poll workers. We get all kinds of people who want to tell us how to do that and they want to order us to utilize X, Y, Z training methodology or films or books or manuals or what have you. We give poll workers usually a 128-page or 130- page manual sometimes, or a 250-page manual and tell them, you are supposed to know everything in there. Well, they don't. They are not going to.

What we hope for, what we hope we can do is that we can train them in a short period of time to be kind, to be enabling for voters, to make sure that voters who are legally entitled to do so get to participate, hopefully to be able to set up the equipment and operate the equipment correctly while the voter is in there. Those things, we hope we can do. We hope we can teach them how to reconcile the numbers before they turn in the numbers to the next- higher level. Those are the things that really concern us most often.

This is not like a business. This is not like an organization where you have these people where you can tell them day in and day out what you expect them to do and then train to their deficiencies and correct it in time for it to make an impact, and so we are in a difficult area with this and I hope we can sort of get past the notion that we are magically going to create some kind of program or process by which they instantly become knowledgeable about everything. That just isn't going to happen. We have worked with it too long.

We can make it better and we are working on making it better. In fact, the Election Center itself is spending substantial sums to come up with new training methodologies so that we can make short training memorable so that you can make older Americans and older adults learn quickly and have it stick with them. But that is where we are in terms of poll workers.

Senator Bennett. Secretary Rokita, do you--

Mr. Rokita. Again, very quickly--

Senator Bennett. --want to respond to that?

Mr. Rokita. Yes. Again, very quickly, it reminds me of the fact that we have yet to have a perfect election in the history of the world, and that is because at every election, humans have been involved. And our friends, whether in the media or elsewhere, when they put out anecdotes about what happens at the polling place, all of a sudden we are in this standard where we have to have this perfect election.

I would just hope that as we develop the bills and the specifics of it that we keep in mind that it is a standard that, as humans, we should strive for. It is very hard to attain. But what we can achieve is fairness and accurateness, accuracy in our elections. That is achievable. Fairness. If a mistake happens, if a card gets put in the wrong machine or a ballot goes in upside down, that it just doesn't happen to African Americans, that it just doesn't happen to women, that everyone had a fair chance at voting.

If a mistake is made, is the training such with these poll workers--and I agree with everything that Doug said. These folks are volunteers, basically, and they work two days out of the year and we are developing systems now that are harder to develop than rocket science. And what crucible, if we do that, are we putting folks in that are volunteers?

And I think we want those folks to stay in charge of our elections. We want them as representatives of us, as people to be in charge of our elections, not the government. That is how this country has remained free. And so I just hope that we keep those kinds of ideas in mind as we move through this fairness and accuracy as we strive for perfection.

Chairman Feinstein. I assure you, we do. We do.

Senator Bennett. Yes, Ms. Arnwine?

Ms. Arnwine. Yes. I was going to say, I hear everything that Doug and Secretary Rokita have mentioned and I can't disagree with many of the points. But I do think that to really get to the best democracy that we want and the best electoral system that we want, that we really do have to change our level of expectations of poll workers, that they do need to be higher, that we do need to facilitate them better, that we should view them as heroes, like we view everybody else who really contributes to our country in unique and important ways, that we need to pay them adequately, that we need to make the training something that people feel that they really come out that they have the competencies that they need. A lot of poll workers, they just feel like they go to the training and they don't know what in the world they learned.

So there are things that we need to do, and I think that we can revolutionize the training process. I do believe that we can make poll workers more efficient. I do believe we can recruit younger poll workers. I believe all of this is capable, but we have to take the time to invest and we have got to have a very high level of expectations of all of us to make this democracy work.

Senator Bennett. Mr. Dickson?

Mr. Dickson. Yes. I want to agree with what Ms. Arnwine just said and go back to a point that Secretary Rokita made earlier on the audit. I think it is very important to audit the process so that we get data. The difficulty that election officials face is that you really can't in a laboratory setting create the environment of an actual election. So it is very important that we collect data based on actual election day, and in my mind, auditing the process for poll worker training, set-up, those kinds of things will help us improve the quality of our elections.

Senator Bennett. So if I can put words in your mouth, combining with what Mr. Lewis said, let us save the money in auditing every result and spend it on auditing the process, and in the course of that activity pay the poll workers a little more.

Mr. Dickson. I don't know if I would go all that far--

[Laughter.]

Senator Bennett. All right. Fine.

Mr. Rokita. I would.

Mr. Dickson. But I would point out that there are State laws regarding audit where there is a hierarchy, and depending on the closeness of the election, certain types of audits are done versus some kind of random system when the elections are not as close.

Senator Bennett. Okay. Well, Madam Chairman, this has been very, very valuable to me and I think we have some ideas for some tweaks in the bill.

Chairman Feinstein. I believe we do. Please, again, get comments in within the next five days. We do intend to move this bill. We would like to make it as good as we possibly can. Bill language is available.

I want to thank our witnesses. I think it was a very good hearing. I am amazed we got so much in an hour and a half, but thank you very, very much. This hearing is adjourned.

[Whereupon, at 11:22 a.m., the committee was adjourned.]